

REMARKS

The Office Action dated May 19, 2005, has been received and carefully considered. In this response, claims 1, 16, 31, 36, 41, 43, and 45-47 have been amended, and claim 9 has been canceled. Entry of the amendments to claims 1, 16, 31, 36, 41, 43, and 45-47 is respectfully requested. Reconsideration of the outstanding objections/rejections in the present application is also respectfully requested based on the following remarks.

Applicants note with appreciation the indication on page 17 of the Office Action that claims 10-12 and 25-27 are allowable.

I. THE PATENTABILITY REJECTION OF CLAIMS 45-47

On page 2 of the Office Action, claims 45-47 were rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter as not being tangible.

Applicants have amended each of claims 45-47 to recite "computer processor-based system," rather than "computer readable medium."

In view of the foregoing, it is respectfully requested that the aforementioned patentability rejection of claims 45-47 be withdrawn.

II. THE ANTICIPATION REJECTION OF CLAIMS 31, 33, 35, 36, 38, 40 AND 46

On page 2 of the Office Action, claims 31, 33, 35, 36, 38, 40 and 46 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wang (Haojin Wang, "Telecommunications Network Management," McGraw-Hill Companies, Inc., July 26, 1999). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). "Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his own knowledge to make the claimed invention." Id.

Although Applicants respectfully disagree with the pending rejections, Applicants have nonetheless amended the pending independent claims to clarify the invention and to further distinguish the cited references. Specifically, independent claims 31, 36 and 46 have been amended to recite a feature that is not taught or suggested by any of the applied references, either alone or in combination. Claims 31, 36 and 46 now recite the step of or means for "determining if dependency resources have started up."

Applicants respectfully submit that none of the cited references, alone or in combination, teach or suggest each and every limitation of the pending independent claims, as amended. More specifically, Applicants respectfully submit that none of the cited references, alone or in combination, teach or suggest the step or means of "determining if dependency resources have started up."

Accordingly, because the cited references fail to teach or suggest, alone or in combination, each and every limitation of independent claims 31, 36 and 46, claims 31, 36 and 46 should be allowable and notice to that effect is courteously solicited.

Claims 32-35 and 37-40 are dependent upon independent claims 31 and 36. Thus, since independent claims 31 and 36 should be allowable as discussed above, claims 32-35 and 37-40

should also be allowable at least by virtue of their dependency on one of independent claims 31 and 36. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claim 33 recites "wherein determining if the resource has any dependency resource comprises determining dependency inter-component connection information from inter-component connection information received from an inter-component connection manager." Applicants respectfully submit that none of the cited references teach or suggest such a feature or functionality that is part of the method of claim 31.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 31, 33, 35, 36, 38, 40 and 46 be withdrawn.

III. THE ANTICIPATION REJECTION OF CLAIMS 41-44 AND 47

On page 4 of the Office Action, claims 41-44 and 47 were rejected under 35 U.S.C. § 102(b) as being anticipated by Svedberg et al. (U.S. Patent No. 5,408,218). This rejection is hereby respectfully traversed.

Although Applicants respectfully disagree with the pending rejections, Applicants have nonetheless amended the pending independent claims to clarify the invention and to further distinguish the cited references. Specifically, independent

claims 41, 43 and 47 have been amended to recite a feature that is not taught or suggested by any of the applied references, either alone or in combination. Claims 41, 43 and 47 now recite "receiving indication of a state change for a first resource during runtime, wherein the indication of the state change is received from a managed object interpreter of the first resource."

Applicants respectfully submit that none of the cited references, alone or in combination, teach or suggest each and every limitation of the pending independent claims, as amended. More specifically, Applicants respectfully submit that none of the cited references, alone or in combination, teach or suggest the step or means of "receiving indication of a state change for a first resource during runtime, wherein the indication of the state change is received from a managed object interpreter of the first resource."

Accordingly, because the cited references fail to teach or suggest, alone or in combination, each and every limitation of independent claims 41, 43 and 47, claims 41, 43 and 47 should be allowable and notice to that effect is courteously solicited.

Claims 42 and 44 are dependent upon independent claims 41 and 43. Thus, since independent claims 41 and 43 should be allowable as discussed above, claims 42 and 44 should also be

allowable at least by virtue of their dependency on one of independent claims 41 and 43. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claim 42 recites "wherein receiving indication of the state change of the first resource comprises receiving indication of the state change from a managed object view of the first resource, transmitting the indication of state change to the second resource comprises transmitting the indication to a managed object view of the second resource and receiving indication of the state change of the second resource comprises receiving the indication of state change from the managed object view of the second resource." Applicants respectfully submit that none of the cited references teach or suggest such a feature or functionality that is part of the method of claim 41.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 41-44 and 47 be withdrawn.

IV. THE OBVIOUSNESS REJECTION OF CLAIMS 1, 3-8, 13, 14, 16, 18-23, 28, 29, 32, 34, 37, 39 AND 45

On page 6 of the Office Action, claims 1, 3-8, 13, 14, 16, 18-23, 28, 29, 32, 34, 37, 39 and 45 were rejected under 35

U.S.C. § 103(a) as being unpatentable over Wang in view of Curtis (U.S. Patent No. 6,442,754). This rejection is hereby respectfully traversed.

Although Applicants respectfully disagree with the pending rejections, Applicants have nonetheless amended the pending independent claims to clarify the invention and to further distinguish the cited references. Specifically, independent claims 41, 43 and 47 have been amended to recite a feature that is not taught or suggested by any of the applied references, either alone or in combination. Claims 1, 16 and 45 now recite "identifying the type of dependency for each dependency resource by identifying the dependency as one of a resource that is contained by an entity and a resource that is used by the entity." This recitation is partially taken from claim 9 (now canceled) and original claim 10, which deemed allowable in the previous office action.

Applicants respectfully submit that none of the cited references, alone or in combination, teach or suggest each and every limitation of the pending independent claims, as amended. More specifically, Applicants respectfully submit that none of the cited references, alone or in combination, teach or suggest the step or means of "identifying the type of dependency for each dependency resource by identifying the dependency as one of

a resource that is contained by an entity and a resource that is used by the entity."

Accordingly, because the cited references fail to teach or suggest, alone or in combination, each and every limitation of independent claims 1, 16 and 45, claims and 1, 16 and 45 should be allowable and notice to that effect is courteously solicited.

Claims 2-8, 13-15 and 17-24 are dependent upon independent claims 1 or 16. Thus, since independent claims 1 and 16 should be allowable as discussed above, claims 2-8, 13-15 and 17-24 should also be allowable at least by virtue of their dependency on one of independent claims 1 and 16. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claim 2 recites "wherein defining a resource comprises storing a definition of a resource in a tool to be accessed by a service creation environment ("SCE"), a deployment tool and a service logic execution environment ("SLEE")." Applicants respectfully submit that none of the cited references teach or suggest such a feature or functionality that is part of the method of claim 1.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1, 3-8, 13, 14, 16, 18-23, 28, 29, 32, 34, 37, 39 and 45 be withdrawn.

V. THE OBVIOUSNESS REJECTION OF CLAIMS 2 AND 17

On page 14 of the Office Action, claims 2 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Curtis and further in view of Deo (U.S. Patent No. 6,594,355). This rejection is hereby respectfully traversed.

Applicants respectfully submit that the obviousness rejection of claims 2 and 17 has been overcome by the amendments discussed above in connection with claims 1 and 16.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 2 and 17 be withdrawn.

VI. THE OBVIOUSNESS REJECTION OF CLAIMS 9 AND 24

On page 15 of the Office Action, claims 9 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Curtis and further in view of Yue (U.S. Patent No. 6,457,143). This rejection is hereby respectfully traversed.

Applicants respectfully submit that the obviousness rejection of claims 9 and 24 has been overcome by the cancellation of claim 9 (the recitations of which have been incorporated into claim 1) or the amendments discussed above in connection with claim 16.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 9 and 24 be withdrawn.

VII. THE OBVIOUSNESS REJECTION OF CLAIMS 15 AND 30

On page 16 of the Office Action, claims 15 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Curtis and further in view of Svedberg. This rejection is hereby respectfully traversed.

Applicants respectfully submit that the obvious rejection of claims 15 and 30 has been overcome by the amendments discussed above in connection with claims 1 and 16.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 15 and 30 be withdrawn.

VIII. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the

present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

By: 

Thomas E. Anderson

Registration No. 37,063

TEA/OAF/dja

Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

Date: August 19, 2005